

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-193616

DATE: February 14, 1979

MATTER OF: James Pakis - Relocation expenses -
New appointee

[Reimbursement of Relocation Expenses to New Appointee]

DIGEST: Relocation expenses may not be reimbursed to a new appointee not in a manpower shortage category reporting for duty within the continental United States, although his travel orders purported to authorize the expenses for moving to his first duty station. 5 U.S.C. § 5723 and FTR para. 2-1.5e(1)(b).

This decision is in response to the appeal of our Claims Division's settlement of October 4, 1978, which disallowed Mr. James Pakis' claim for relocation expenses he incurred in moving to his first duty station.

Mr. Pakis moved from Bossier City, Louisiana, to Savannah, Georgia, as a new employee of the Department of the Army reporting for duty at Hunter Army Airfield. His travel authorization of September 8, 1975, purported to authorize temporary quarters, real estate expenses, and temporary storage of household goods, travel by privately owned vehicle, and miscellaneous moving expenses. However, the authorization further noted that Mr. Pakis was a new employee appointed to a civil service position as an industrial engineer, at grade GS-11. Despite the purported authorization of the expenses, the Department of the Army denied Mr. Pakis' claim because as a new employee he was not entitled to relocation expenses under the applicable law and regulations.

The relocation expenses prescribed in 5 U.S.C. § 5723 for new appointees reporting to their first duty station in the continental United States are expressly limited by this statutory provision to those new appointees serving in manpower shortage positions as determined by the United States Civil Service Commission. Implementing regulations at paragraph 2-1.5e(1)(b) of the Federal Travel Regulations (FPMR 101-7, May 1973) expressly prohibit reimbursement of relocation expenses for new appointees who are not serving either in manpower shortage positions or assigned overseas. As a statutory regulation, paragraph 2-1.5e(1)(b) has the force and effect of law. 54 Comp. Gen. 638, 640 (1975). Mr. Pakis was not appointed to a manpower shortage position, or assigned overseas, and since the expenses were unauthorized under these provisions, there was no authority under the travel orders permitting reimbursement.

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Accordingly, our Claims Division disallowance (Z-2621761) is sustained, and Mr. Pakis may not be reimbursed for the relocation expenses.


Deputy Comptroller General
of the United States